

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

ATTN: Refund Section
Accounting Div.
Office of Finance

Jean-Noel THOREL

Application No.: 10/006,389

Docket No.: 108961.01

Filed: December 10, 2001

For: COSMETIC PRODUCTS COMPATIBLE WITH CUTANEOUS ECOLOGY AND
METHOD FOR THEIR USE (AS AMENDED)

PETITION FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is respectfully requested that the fees paid on March 22, 2004 for the Notice of Appeal and Petition for Extension of Time submitted in reply to the September 22, 2003 Office Action should be refunded.

On September 22, 2003, a Final Rejection was mailed for the above-identified application. Applicant timely filed a Request for Reconsideration (copy attached) and Petition for Extension of Time on the one-month extended due date of January 22, 2004. See the attached date-stamped receipt. The Request for Reconsideration specifically indicated that it was a response under 37 C.F.R. §1.116, and desired the expedited procedure applicable to such responses. However, two months later, this filing has not reached Examiner Coe.

Over the course of the last two months, every effort has been made to ensure that this document timely reaches the Examiner. In particular, Applicant's undersigned representative contacted Examiner Coe on February 5, 12 and 18, 2004, in an effort to confirm receipt of the documents. When the documents still had not reached the Examiner nearly a month after they had been filed, copies of the documents were resubmitted on February 20, 2004 with a Retransmission of Request for Reconsideration After Final Rejection. See the attached date-stamped receipt. Since refiling the documents, Applicant's undersigned representative has contacted Examiner Coe on March 8, 15 and 18 in an effort to confirm receipt of the documents. On March 18, 2004, Examiner Coe indicated that the file had been taken from her for scanning and that she should receive the Request for Reconsideration for examination once the application is scanned. As of today, PAIR indicates that the file is electronic. Thus, it has taken two months for the application to be

Adjusted date: 04/07/2004 CTH0052
03/23/2004 JADD01 00000067 10006389
01 FC:1401 -330.00 DP

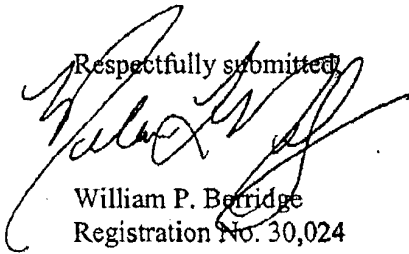
Adjusted date: 04/07/2004 CTH0052
03/23/2004 JADD01 00000067 10006389
02 FC:1253 -840.00 DP

scanned, and as of our telephone conference with Examiner Coe today, it has still not been placed on her docket.

The unextendible due date for filing a response to the Final Rejection is March 22, 2004. Since Applicant has not received any response to the Request for Reconsideration filed two months ago on January 22, 2004, Applicant is forced to file a Notice of Appeal and Petition for Extension of Time at a cost of \$330 for a Notice of Appeal fee and \$840 for a Petition for Extension of Time fee, for a total cost of \$1,170, in order to maintain pendency of the application. Applicant incurred these expenses because of Patent Office delay.

Accordingly, it is respectfully requested that \$1,170 or at least a portion thereof be re-credited to Deposit Account No. 15-0461 and that the Patent Office acknowledge this credit in writing.

Respectfully submitted,


William P. Berridge
Registration No. 30,024

Melanie L. Mealy
Registration No. 40,085

WPB:MLM/jam

Attachments:

Request for Reconsideration originally filed January 22, 2004
PTO Date-stamped receipt for filing papers January 22, 2004
PTO Date-stamped receipt for filing papers February 20, 2004

Date: March 22, 2004

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

| |
|--|
| DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461 |
|--|

PTO RECEIPT FOR FILING OF PAPERS

► Hand Carry to EXAMINER COE, GROUP ART UNIT 1654

The following papers have been filed:

Retransmission of Request for Reconsideration w/cc of Request for Reconsideration filed
01/22/04 & pto dated stamped receipt

Name of Applicant: Jean-Noel THOREL

Serial No.: 10/006,389

Atty. File No.: 108961.01

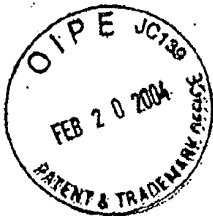
Title (New Cases):

Sender's Initials: WPB:MLM/jam



193
31

PATENT OFFICE DATE STAMP



COPY TO BE STAMPED BY PATENT OFFICE
AND RETURNED BY MESSENGER

Oliff & Berridge, PLC

277 S. Washington Street, Suite 500, Alexandria, Virginia 22314